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DEC 04 2007

In re EARL T. COHEN, Application No. 10/617,539  
Amendment A

### REMARKS

The Office action dated September 4, 2007, has been fully considered. In response, please enter the amendments and consider the remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants appreciate the thoughtful examination of the application, including the notification that claims 15-31 were allowed, and that claims 2, 3, 5 and 6 would be allowable if re-written in independent claim format. (Note. Applicants believe that claims 11 and 12 should have been objected to, but allowable if re-written in independent claim format based on the Office's rationale.)

The other claims were rejected under 35 USC § 101. Applicants have amended the claims to put the claims in condition for allowance as suggested in the Office action.

Independent claim 1 is amended to be original dependent claim 2 re-written in independent claim format, which is allowable for at least the reasons previously determined by the Office. The amendments to the dependent claims of amended independent claim 1 are made to merely match the added limitations of claim 2. Claim 2 is canceled. Claim 3 is amended to depend from claim 1. Claim 5 is amended to remove the limitations corresponding to claim 2, which are now already included in claim 5 (via amended independent claim 1). Claim 11 is cancelled. Claim 12 is amended to depend from claim 8 (as claim 11 is cancelled). For at least these reasons, independent claim 1 and its depending claims 3-10, and 12-14 are believed to be allowable.

Finally, independent claim 32 and its dependent claims 33-42 are rejected under 35 USC § 101 given the broad definition of computer-readable medium in the original disclosure. The Office states that these objections would be overcome if the claims are amended to recite "computer-readable storage medium" and that the specification be amended to describe computer-readable storage medium. In accordance with the Office's requests, independent claim 32 is amended to recite "[a] computer-readable storage medium encoded with computer-executable instructions for performing steps when executed by one or more processing

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elements for adaptively adjusting values," dependent claims 33-42 are amended to recite "computer-readable storage medium," and the specification is amended to specify that the term "computer-readable storage medium" refers to tangible computer-readable medium, and as such, computer-readable storage medium does not include signaling mechanisms nor signals. Applicants believe that these amendments are consistent with the desires of the Office, and put claims 32-42 case in condition for allowance. Applicants note that MPEP § 21.06.01 uses the phrase "computer-readable medium encoded with," so Applicants have adopted that language. Applicants further note that the definition of computer-readable storage medium explicitly *excludes* signaling mechanisms and signals, which was the offending claim construction issue raised to Applicants' attention in Office action.

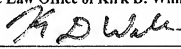
**Final Remarks.** In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

Applicants believe no extension of time is required. Should an extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees).

Respectfully submitted,  
The Law Office of Kirk D. Williams

Date: December 4, 2007

By

  
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